THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 16760 of 2005

FRIDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND FIVE

Between:

Smt. B. Kavitha Reddy W/o B. Venkat Reddy
R/o H. No. 16-11-19/5/1, Saleemnagar Colony, Kalakpet, Hyderabad

..... PETITIONER

AND

Hyderabad Urban Development Authority, Begumpet, Hyderabad

rep by Vice Chairman

.....RESPONDENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 16760 of 2005

O R D E R:

This writ petition is filed under Article 226 of the Constitution of India seeking a Mandamus to restrain the respondent from interfering with the possession and enjoyment of the land of the petitioner in Plot No. 67 admeasuring 1000 sq.yards in Survey No.11/3 of Khanmet village, Ranga Reddy District.

The writ petitioner is in possession and enjoyment of the land in question which was purchased under a registered sale deed by raising structures and compound wall. On 17-05-2005, the respondent staff started demarcating the land on the ground that they are planning a new road on the said lands for providing access to some of the foreign institutions, to which the Government has provided land in nearby areas. In view of the same, the petitioner submitted that the land in question is a pure private patta land held by the owners and that the officials of the respondent cannot interfere with the peaceful possession and enjoyment of the land in question without initiating

Land Acquisition Proceedings. The grievance of the petitioner is that the respondent without following due process of law planning to lay a new road by interfering with the peaceful possession and enjoyment of the land in question is illegal and arbitrary.

Heard both sides.

Having regard to the facts and circumstances of the case and in view of the fact that the respondent without following the statutory provisions under the Act tried to interfere with the possession of the land in question, without going into the merits of the case, I deem it appropriate to dispose of the writ petition directing the respondent not to interfere with the peaceful possession and enjoyment of the petitioner over land in question without following due process of law.

With the above direction, the writ petition is disposed of. No costs.

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29-07-2005

Mjl/*